

Lin B.

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA
SOUTHERN DIVISION**

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Chapter 11

Hearing Date: 8/2/2011
Hearing Time: 9:30 a.m. (PST)
Courtroom 1

☒ **All Debtors**
☐ **Affects the following Debtor(s)**

¹ The Reorganized Debtors in these cases, along with the last four digits of each Debtor's federal tax identification number, if applicable, are: Heritage Land Company, LLC (2918); The Rhodes Companies, LLC (3060); Rhodes Ranch General Partnership (1760); Tick, LP (0707); Glynda, LP (5569); Chalkline, LP (0281); Batcave, LP (6837); Jackknife, LP (6189); Wallboard, LP (1467); Overflow, LP (9349); Rhodes Ranch Golf and Country Club (9730); Tuscany Acquisitions, LLC (0206); Tuscany Acquisitions II, LLC (8693); Tuscany Acquisitions III, LLC (9777); Tuscany Acquisitions IV, LLC (0509); Parcel 20 LLC (5534); Rhodes Design and Development Corp. (1963); C&J Holdings, Inc. (1315); Rhodes Realty, Inc. (0716); Jarupa LLC (4090); Elkhorn Investments, Inc. (6673); Rhodes Homes Arizona, LLC (7248); Rhodes Arizona Properties, LLC (8738); Tribes Holdings LLC (4347); Six Feathers Holdings, LLC (8451); Elkhorn Partners, A Nevada Limited Partnership (9654); Bravo Inc. (2642); Gung-Ho Concrete, LLC (6966); Geronimo Plumbing, LLC (6897); Apache Framing, LLC (6352); Tuscany Golf Country Club, LLC (7132); Pinnacle Grading, LLC (4838).

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1 Upon consideration of the pleadings filed by the parties with respect to this matter;
 2 and the Court having jurisdiction to consider those pleadings and the relief requested therein
 3 pursuant to 28 U.S.C. §§ 157 and 1334; and the relief requested therein being a core
 4 proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before this Court
 5 pursuant to 28 U.S.C. §§ 1408 and 1409, and the facts being as follows:

6
 7 WHEREAS, on May 27, 2010, the Reorganized Debtors filed the Reorganized
 8 Debtors' Objection to James' Rhodes Proof of Claim No. 814-33 and Notice of Amendment
 9 of Schedules of Assets and Liabilities.

10 WHEREAS, on November 16, 2010, the Court entered its Order Sustaining
 11 Reorganized Debtors' Objection to James Rhodes' Entitlement to the Tax Claim Found in
 12 Proof of Claim No. 814-33 (the "Order").

13 WHEREAS, on November 30, 2010, Rhodes filed (i) James Rhodes' Notice of
 14 Appeal pursuant to which Rhodes appealed the Order; and (ii) James Rhodes' Statement of
 15 Election to Appeal to the United States District Court for the District of Nevada
 16 (collectively, the "Appeal").

17
 18 WHEREAS, on April 20, 2011, the Parties filed the Stipulation and Order
 19 Dismissing Appeal Without Prejudice pursuant to which Rhodes agreed to dismiss his
 20 appeal, without prejudice, until such time as this Court ruled on the Remaining Claims.²

21
 22 WHEREAS, on June 2, 2011, Rhodes filed James Rhodes' Motion to Reconsider
 23 Order Sustaining Reorganized Debtors' Objection to James Rhodes' Entitlement to the Tax
 24 Claim Found in Proof of Claim No. 814-33 (the "Reconsideration Motion").

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 26
 27 ² Capitalized terms not otherwise defined herein shall have the meanings ascribed to such terms in the
 28 Reconsideration Motion or the Opposition.

1 WHEREAS, on July 19, 2011, the Reorganized Debtors filed their Opposition to
2 James Rhodes' Motion to Reconsider Order Sustaining Reorganized Debtors' Objection to
3 James Rhodes' Entitlement to the Tax Claim Found in Proof of Claim No. 814-33 (the
4 "Opposition").

5
6 WHEREAS, on July 26, 2011, Rhodes filed his Reply Memorandum of Law in
7 Support of Motion to Reconsider Order Sustaining Reorganized Debtors' Objection to
8 James Rhodes' Entitlement to the Tax Claim Found in Proof of Claim No. 814-33.

9 WHEREAS, on August 2, 2011, this Court heard argument with respect to the
10 Reconsideration Motion (the "Hearing").

11 **IT IS HEREBY ORDERED THAT:**

12 1. Pursuant to Bankruptcy Rule 3008, and for the reasons set forth in the
13 Opposition and as stated by the Court in its oral ruling at the Hearing, the Reconsideration
14 Motion is DENIED; and

15 2. This Court shall retain jurisdiction to hear and determine all matters arising
16 from the implementation of this Order.

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1 APPROVED AS TO FORM AND CONTENT:

2 DATED this 9th day of August, 2011.

4 By: /s/ Kevin N. Anderson
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8 *Counsel for James M. Rhodes*

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Counsel for the Reorganized Debtors

16 LR 9021(c) Certification:

17 In accordance with LR 9021, counsel submitting this document certifies that the order
 18 accurately reflects the court's ruling and that (check one):

- 19 ☐ The court has waived the requirement set forth in LR 9021(b)(1).
- 20 ☐ No party appeared at the hearing or filed an objection to the motion.
- 21 ☒ I have delivered a copy of this proposed order to all counsel who appeared at the
 22 hearing, and any unrepresented parties who appeared at the hearing, and each has
 approved or disapproved the order, or failed to respond, as indicated below [list each
 23 party and whether the party has approved, disapproved, or failed to respond to the
 24 document]:

<u>Party</u>	<u>Approved</u>	<u>Disapproved</u>	<u>Failed to Respond</u>
<u>Kevin N. Anderson</u>	<u>X</u>		

- 25 ☐ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order
 26 with the motion pursuant to LR 9014(g), and that no party has objected to the form or
 27 content of the order.

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